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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,873	11/08/2001	John Lin	BP 1908	5341

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EXAMINER	
FOX, JAMAL A	
ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/008,873	LIN ET AL.	
	Examiner	Art Unit	
	Jamal A. Fox	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *18-25* is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Haartsen (U.S. Patent Application Pub. No. 2002/0167961).

Referring to claim 1, Haartsen discloses a wireless transceiver (transceiver, [0037]) device, comprising: memory (memory, [0033] & [0089]) for storing synchronous (synchronous, [0010] & [0035]) and non-synchronous (non-synchronous, page 11, claim 14 line 3) data; and

circuitry defining logic (logic, [0033]) for determining whether transmission of non-synchronous data packets may be initiated without conflicting with a packet of synchronous data that is to be transmitted in the future.

Referring to claim 2, Haartsen discloses the wireless transceiver device of claim 1 wherein the circuitry further defines logic (logic, [0033]) that generates a bit string whose logic (logic, [0033]) states define whether, for a given time slot, (time slot, [0034] & [0047], [0048], [0050], [0055], [0060] & [0080]) synchronous (synchronous, [0010] & [0035]) event is to be transmitted.

Referring to claim 3, Haartsen discloses the wireless transceiver device of claim 1, wherein the synchronous data comprises continuous bit rate data (peak data rate, [0006]).

Referring to claim 4, Haartsen discloses the wireless transceiver device of claim 3, wherein the continuous bit rate data comprises one of video or voice data (data and voice, [0009]).

Referring to claim 5, Haartsen discloses the wireless transceiver device of claim 1, wherein the circuitry further defines logic that evaluates a time value with respect to a bit stream modulo (modulo, [0059]) to determine what bit in the bit stream corresponds to the present time.

Referring to claim 6, Haartsen discloses a method for determining whether to initiate non-synchronous (non-synchronous, page 11, claim 14 line 3) event transmission, comprising:

determining whether a synchronous (synchronous, [0010] & [0035]) event is scheduled for transmission during a present defined time period; and

if not, determining whether to initiated (initialized, [0034]) the transmission of a non-synchronous (non-synchronous, page 11, claim 14 line 3) event.

Referring to claim 7, Haartsen discloses the method of claim 6 wherein the synchronous event comprises transmitting continuous bit rate data (peak data rate, [0006]).

Referring to claim 8, Haartsen discloses the method of claim 6 wherein the synchronous event comprises transmitting voice data (data and voice, [0009]).

Referring to claim 9, Haartsen discloses the method of claim 6 wherein the synchronous event comprises transmitting video data (data, voice, and video, [0003]).

Referring to claim 10, Haartsen discloses the method of claim 6 wherein the step of determining whether to initiate the transmission of the non-synchronous event includes determining how many defined periods of time (time slot, [0034] & [0047], [0048], [0050], [0055], [0060] & [0080]) are required for transmitting non-synchronous event.

Referring to claim 11, Haartsen discloses the method of claim 10 further including the step of determining whether a collision (collision, [0010]) between a synchronous (synchronous, [0010]) and non-synchronous (non-synchronous, page 11, claim 14 line 3) transmission could occur.

Referring to claim 12, Haartsen discloses the method of claim 11 wherein the step of determining whether a collision (collision, [0010]) could occur includes determining whether there exists a sufficient number of defined periods for which no synchronized events are scheduled for transmission (transmit, [0010]) following the present period to enable the initiation of transmitting (transmit, [0010]) the present non-synchronous event without a likelihood of a collision (collision, [0010]).

Referring to claim 13, Haartsen discloses the method of claim 6 wherein the step of determining whether the synchronous event is scheduled comprises dividing the present time by a modulo (modulo, [0059]) number that reflects the length of a bit stream in which each bit of the bit stream represents a time period for transmitting the synchronized and unsynchronized events.

Referring to claim 14, Haartsen discloses the method of claim 13 wherein a remainder (remainder, [0056] & [0085]) is determined during the dividing step is evaluated to determine a group of bits of the bit stream that include a bit that represents the present time period.

Referring to claim 15, Haartsen discloses the method of claim 13 wherein a remainder (remainder, [0056] & [0085]) is determined during the dividing step is evaluated to determine which bit of the stream of bits represents the present time period.

Referring to claim 16, Haartsen discloses the method of claim 15 further including the step of determining the length (number of time periods) (time slot, [0034] & [0047], [0048], [0050], [0055], [0060] & [0080]) of a non-synchronized event that is to be transmitted.

Referring to claim 17, Haartsen discloses the method of claim 16 further including the step of determining whether a synchronized (synchronous, [0010] & [0035]) event is scheduled for transmission during the time period that would be utilized for transmitting the non-synchronous (non-synchronous, page 11, claim 14 line 3) event if the non-synchronous (non-synchronous, page 11, claim 14 line 3) event were to be initiated (initialized, [0034]) in the present time period.

Allowable Subject Matter

3. Claims 18-25 are allowed.

Response to Arguments

4. Applicant's arguments filed 9/26/2005 have been fully considered but they are not persuasive. Applicant argued that Haartsen (U.S. Patent Application Publication No. 2002/0167961), does not anticipate the claimed invention because it is in contrast with a packet of synchronous data that is to be transmitted in the future. However, one skilled in the art would recognize that the term "would" in [0010] is an auxiliary function that represents the future.

5. Applicant argued that the Office Action improperly relies upon portions of Haartsen that are limited to "non-synchronous or isochronous traffic," and not applicable to the "non-synchronous" and "synchronous" data device and method contemplated in Applicant's claimed invention. In response to applicant's argument that portions of Haartsen is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, in a master to multi-slave network environment one or more of the slaves can be synchronous and one or more of the slaves can be non-synchronous with the master helping the packets to remain conflict free (see [0010]).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. **Any response to this final action should be mailed to:**

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamal A. Fox

WELLINGTON CHIN
ERVISORY PATENT EXAMINER